

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NIPPON SHINYAKU CO., LTD.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 21-1015 (GBW)
	)	
SAREPTA THERAPEUTICS, INC.,	)	<b>PUBLIC VERSION</b>
	)	
Defendant.	)	
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SAREPTA THERAPEUTICS, INC. and THE	)	
UNIVERSITY OF WESTERN AUSTRALIA,	)	<b>Confidential Version Filed: August 3, 2023</b>
	)	<b>Public Version Filed: August 10, 2023</b>
Defendant/Counter-Plaintiffs,	)	
	)	
v.	)	
	)	
NIPPON SHINYAKU CO., LTD.	)	
and NS PHARMA, INC.	)	
	)	
Plaintiff/Counter-Defendants.	)	

**DECLARATION OF MARC D. EVANS IN SUPPORT OF DEFENDANT  
SAREPTA THERAPEUTICS, INC.’S MOTION TO EXCLUDE  
DR. MATTHEW WOOD AS AN EXPERT WITNESS**

I, Marc D. Evans, declare as follows:

1. I am Executive Director, Head of RNA IP at Sarepta Therapeutics, Inc. (“Sarepta”). I am based in Cambridge, Massachusetts. I hold a Bachelor of Science degree in Biochemistry from Rider University and a law degree from Suffolk University Law School. I am licensed as an Attorney in Massachusetts and am registered to practice before the United States Patent and Trademark Office. I make this declaration based on my personal knowledge, or where I have none, based on a review of relevant corporate records.

2. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6. In 2014, Sarepta retained Dr. Wood as an expert witness in connection with USPTO Interference Nos. 106,007, 106,008, and 106,013 (“the Interferences”) to provide expert scientific opinion and testimony concerning the biology and chemistry of antisense oligonucleotides and their application in the treatment of DMD.

7. [REDACTED]

8. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11. Attached hereto as **Exhibit 2** is a true and correct copy of United States Patent No. 8,455,636, which was the patent involved in Interference No. 106,007.

12. Attached hereto as **Exhibit 3** is a true and correct copy of the cover page of United States Patent No. 7,960,541, which was one of the patents involved in Interference No. 106,008.

13. Attached hereto as **Exhibit 4** is a true and correct copy of the cover page of United States Patent No. 7,807,816, which was one of the patents involved in Interference No. 106,008.

14. Attached hereto as **Exhibit 5** is a true and correct copy of the cover page of United States Patent No. 8,486,907, which was the patent involved in Interference No. 106,013.

15. To reduce the volume of Exhibits, only the cover pages of **Exs. 3-5** are attached hereto. **Exs. 2-5** share a common specification, as each of **Exs. 2, 3, and 5** issued from continuation applications of the application that issued as **Ex. 4**.

16. [REDACTED]

[REDACTED]

[REDACTED]

17. During his engagement as an expert witness in the Interferences, Dr. Wood received information from Sarepta subject to the attorney-client privilege and the work-product immunity protection and worked closely with Sarepta's in-house and outside counsel, including several of the same attorneys representing Sarepta in this litigation. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Sarepta is ready to provide copies of those documents on an *ex parte* basis for *in camera* review upon request by the Court.

18. [REDACTED]

19. [REDACTED]

20. Attached hereto as **Exhibit 9** is a true and correct copy of NS's response to Sarepta's Interrogatory No. 8.

21. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts of NS's Final Invalidity Contentions.

22. Attached hereto as **Exhibit 11** is a true and correct copy of excerpts of Dr. Wood's Second Declaration from the Interferences.

23. Attached hereto as **Exhibit 12** is a true and correct copy of NS's Request for Admission Nos. 38 and 39.

24. [REDACTED]

25. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

26. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

27. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

28. Sarepta is ready to provide copies of the documents mentioned in Paragraphs 3-5, 7, 25, and 27 on an *ex parte* basis for *in camera* review upon request by the Court.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this 3rd day of August, 2023, in Edinburgh, Scotland.

/s/ Marc D. Evans  
Marc D. Evans

**CERTIFICATE OF SERVICE**

I hereby certify that on August 3, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on August 3, 2023, upon the following in the manner indicated:

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*/s/ Megan E. Dellinger*

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Megan E. Dellinger (#5739)